



IN RE APPLICATION

OF: AVEN ET AL.

SERIAL No. 09/491,708

FILED: JANUARY 26, 2000

FOR: NON-AQUEOUS EMULSIFYABLE CONCENTRATE FORMULATION

CONFIRMATION No.: 8959

GROUP ART UNIT: 1616

EXAMINER: ALTON N. PRYOR

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

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Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.111

Sir:

In reply to the Office action of February 17, 2004, it is respectfully requested that the following and the attached be entered and considered for further prosecution of the above-identified application:

R E M A R K S

Claims Claims 1 to 3, 6 to 8, 11 and 15 to 17 as set forth in Appendix II of applicants' reply dated August 15, 2003, are currently pending in this case.

The Examiner has rejected Claims 1, 6, 11 and 16 under 35 U.S.C. §101 as claiming the same invention as Claims 1, 3 and 5 to 8 of US 6,444,618. Favorable reconsideration of the Examiner's position and